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Palgrave

2018-09-15

Patomäki, H O 2018, Chris Brown's Liberal Conservatism, the Process of Learning and Global Institutional Transformations. in M Albert & A Lang (eds), The Politics of International Political Theory : Reflections on the Works of Chris Brown. Palgrave, Basingstoke, pp. 219-240. <https://doi.org/10.1007/978-3-319-93278-1>

<http://hdl.handle.net/10138/318311>

<https://doi.org/10.1007/978-3-319-93278-1>

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Chris Brown's liberal conservatism, the process of moral learning and global institutional transformations

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Introduction

When I spent a year at the University of Kent at Canterbury in 1989-1990 as a PhD-student and Training Fellow, I attended Chris Brown's lectures on normative theory. These lectures were based on a manuscript that subsequently became *International Relations Theory: New Normative Approaches* (Brown 1992). The locally well-known debate between Brown and Mark Hoffman had taken place a year earlier, in a student-run journal called *Paradigms*¹ (Brown, 1987; Hoffman, 1988; Brown, 1988). Post-structuralism was very much in vogue at the time and I had been reading a lot of Jacques Derrida and Michel Foucault as well as IR scholars such as Hayward Alker and Richard Ashley. It occurred to me that it would be relatively easy to deconstruct the Brown-Hoffman debate as a case of a wider debate between state moralism and cosmopolitanism. I tried to show that both are ultimately empty utopias (Patomäki, 1992). Neither Brown nor Hoffman was able to show that his position is a well-grounded one; the plausibility of each view depended on the weakness of the other.

The substantial idea was to open up possibilities for a critical-normative discourse. Instead of restricting international or global moral discourse either to mere co-existence of nations-states or to universalizing a few particular human rights, we should see the agenda of world politics as open-ended and our normative judgements dependent on the geo-historical context of their making. With a brief discussion of the international debt problem as an example, I indicated that the liberal position of free contracts and *pacta sunt servanda* is ideological, without accepting the Marxist position of structural determinism either. The basic thrust was that the politics of the Third World debt problem (as it was called then) lies in the ways in which global finance is constituted/regulated and organizations such as the IMF are set up.

Epistemologically, the point was to make a case for a practical, context-sensitive, engaged and political ethics, implying among other things a commitment to non-violence (i.e. maximal minimization of violence in all circumstances, also in its metaphorical sense). If morality were seen in this way, it could become more practical in international relations, without losing its critical capacity. It appears that

¹ The journal is now *Global Society* and is no longer edited by students.

since the early 1990s, Brown has shifted his position into this direction.² As Brown describes his own development in ‘Introduction: A Life in Theory’, the opening chapter of *Practical Judgement in International Political Theory* (Brown, 2010), he has come to favour anti-foundationalist, practically minded, and action-guiding normative political theory that is, moreover, not opposed to the project of an explanatory social science. How the world is matters to our normative judgements. “I am more willing now than I was twenty years ago to acknowledge that exercising judgement depends on the existence of good explanatory theory” (Brown, 2010, p.9).

Although Brown seems to have adopted the basic tenets of what I back in 1992 considered to be an alternative account of morality, often our concrete judgements seem to be at loggerheads. For instance, Brown lashes the advocates of global civil society and citizenship, which has been precisely the context of many of my own political engagements. Brown frames his new approach in terms of ‘Blairite liberal internationalism’, explicitly approving or advocating several Western military interventions (Brown, 2010, pp.15-16), which I consider a rather problematic move.

I start this paper by summarising Brown’s early argument for a pluralist and proceduralist state morality, followed by a concise outline of my (critical realist rather than post-structuralist) attempt at deconstructing the Brown-Hoffman debate. Second, I will have a closer look at Brown’s subsequent developments, including his move toward neo-Aristotelian practical reason and his adoption of the human capabilities approach of Martha Nussbaum. Brown has taken explicit steps to go beyond the state morality vs. cosmopolitanism divide.

Third, I explain how I have come to see morality in terms of learning. It remains true that (i) the contingently shared stock of principles, criteria and interpretations is the ground for the plausibility of an argument, and this is what a substantiated judgement attempts to appeal to in a given community and (ii) that the relevant community is not bounded by any particular nation or state but can assume different spatial and substantial forms. However, I now realise that this account of normative arguments and judgements is only a part of the story. What I was tacitly presupposing is a process of universal ethico-political learning and its particular stage, discourse ethics, corrected by various post-structuralist and critical realist insights. In the final section I examine whether the idea of universal learning and its cosmopolitan implications might explain the divergence in our practical judgements with Chris Brown, anticipating his possible anti-foundationalist and communitarian objections.

² I do not mean to suggest to have influenced Brown’s development in any way. To my knowledge he has never cited any of my works – not even in his contribution to the debate about the promises of critical realism (Brown, 2007).

Brown's state moralism

In his early works on normative theory, Brown relied heavily on Terry Nardin and especially on his book *Law, Morality, and the Relations of States* (1983). Nardin, like Michael Walzer (2000/1977), had begun to develop his state moralist view as a response to the Vietnam War, in the wider Cold War context of nuclear weapons and global antagonism between the two superpowers (see Nardin, 2013). Brown adopted this viewpoint in the late 1980s, at the time when Afghanistan had replaced Vietnam and the Cold War was coming to an end. State morality is about limiting ethics and politics to within the states in order to enable peaceful co-existence between them.

In every argument, and especially in practical ones, there are typically both explicit and implicit elements. The implicit and explicit premises of Brown's (1987) argument can be reconstructed as follows:

- (Premise 1) To share a normatively binding morality is to share common moral values [*explicit*]
- (Premise 2) The condition of mankind can be characterized as one of cultural divergence: in general, there are no shared values [*explicit*]
- (Assumption 1) Shared values exist within cultures, which are roughly coterminous with nations and nation states [*implicit*]
- (Premise 3) The state is a universal phenomenon [*explicit*]
- (Conclusion 1) Globally speaking, there are no shared values except within nation states [*explicit*]
- (Premise 4) A distinction can be made between common 'purposes' and 'procedures, and only the former is related to common values [*explicit*]
- (Premise 5) Statehood can create moral values, rights, and duties [*explicit*]
- (Assumption 2) Besides shared morality, there can also be normatively binding procedural rules of coexistence [*implicit*]
- (Conclusion 2) The normative theory of international relations is concerned with the logic of the procedural norms of nation states' coexistence [*explicit*]

Hoffman begins his critique of Brown's argument with an attack on Premise 4 (distinction between purposes and procedures), hoping thereby to undermine the plausibility of Premise 2 (no shared values) and Conclusion 2 (international ethics limited to nation states' coexistence). After arguing against Brown's distinction between 'purposive' and 'practical', he attacks Premise 2 directly. He concludes that 'cosmopolitanism ... exists within the international system ... [although] it is thin and its reception uneven ... it cannot be dismissed' (Hoffman, 1988, p.71). Existing cosmopolitanism, in his opinion, can form the foundation for a theory of the basic security and subsistence rights of all human beings. Citing Henry Shue (1980), Hoffman argues that existing cosmopolitanism can form the foundation for a theory of the basic security and subsistence rights of all human beings.

In his rejoinder, Brown argues that the state is the only institution able to protect cultures, whether it does so or not. Furthermore, he claims that Hoffman may have committed the sin of cultural imperialism: ‘most accounts of the universal values that might underlie a cosmopolitan ethic seem suspiciously like inadequately camouflaged versions of the first ten Amendments of the Constitution of the United States of America’. While this anti-imperialist argument may look plausible, the problem is that Brown does not explain the normative force of any of his own claims. All his premises and assumptions seem descriptive, except premise 5 (‘statehood can create moral values, rights, and duties’), which seems arbitrary. For some reason ‘the very act of claiming to be a state and to be treated as a state implies recognition that “statehood” is a moral category entailing rights and duties’ (Brown, 1988, p.107, note 2), but why cannot we say the same thing about any collective political entity, such as a transnational movement, international organization or world state? Moreover, do these duties include also the duty to respect universal human rights or principles of global justice or democracy? This is exactly Hoffman’s main point:

The major difficulty with Brown’s argument is his characterisation of international society as a non-purposive, practical association. If this is merely an analytic claim, then the obvious problem is that Brown’s normative conclusions do not follow from his factual premises. If, however, it is meant to be taken as an endorsement of the desirability of conceiving of international society as a non-purposive, practical association, then we need to know why it should be accepted and why these reasons are superior to those favouring the acceptance of competing conceptions. (Hoffman 1988, 64)

There is also an apparent paradox inherent in Brown’s argument. On the one hand, he relies on the standard liberalist idea of neutrality of procedures (such as markets mediating between the desires of individuals or, in Brown’s case, international law of co-existence mediating between state-desires)³. On the other hand, he denies the liberalist idea that good life is a private matter by making the very ambitious claim that all or most individuals within a nation share a particular conception of good life.

And yet, Hoffman’s position does not seem to be much stronger. He too fails to specify a transcendental source of morality (such as God, Providence, natural law or categorical imperative) and relies largely on immanent critique of Brown’s claims or international practices (e.g. in terms of commitments through existing human rights treaties). Moreover, Hoffman makes only the weak claim that there must be at least

³ John O’Neill (1998, p.16) characterizes liberalism as the view that public decisions and institutions are to be neutral between conceptions of the good. Individual liberalists maintain that the market economy and liberal state can be organized in such a way as to be neutral between different conceptions of the good, whereas communitarian liberalists argue that within a national state, conceptions of the good may converge, but among them pluralism must prevail. The assumption of neutrality is of course unfounded, because all institutional arrangements affect the conditions of good life (e.g. a subjectivist and competitive market society constitutes and constrains being like any institutional arrangement).

some fundamental human rights that are presupposed by state morality. Why would co-existence be good without it benefitting the people living in a state? So he seems to accept state morality, but qualifies it in terms of particular human rights, especially of rights to subsistence. Brown's response is that this qualification amounts all too easily to Western imperialism. Regardless of how Hoffman chooses the substantial rights, they are certainly more in accordance with Western individualist cultures and practices than with many others. For Hoffman, individual human rights must be strictly universal moral principles, which we should apply in moral criticism and political action in any context. But Hoffman too begs the fundamental question: on what are his universal principles and rights of subsistence based?

Moving beyond groundless utopianism – or staying in the same discourse?

A key idea of the deconstruction of the Brown-Hoffman debate was that both state morality and cosmopolitanism are utopian theoretical constructs, in the sense that both claim to be able to find the general, ideal and exclusive normative principles for world politics. Literally, *u-topia* means a place nowhere. An abstract utopia is by definition unrealizable (unlike concrete utopias or eutopias in critical theory). This can be illustrated with a topical example. Although the process of British exit from the EU may look like a leap toward a world characterized by mere co-existence, what it has revealed is how deep and complex our inter- and intra-connections have become and how wide and comprehensive European and world-political agendas already are (see Morgan and Patomäki, 2017). It is utopian to think that relevant ethico-political concerns could be limited to mere co-existence of states. Even if coupled with particular human rights, the picture remains totally unrealistic. It would be utopian even if we only considered, say, Iran's relations with the EU or US.

On top of this comes the apparent lack of transcendental foundations. Given the basic contours of IR ethics discourse, both state moralists and cosmopolitans require some sort of grounding for their normative contentions, but in their argumentation they tend to rely on criticizing (negating) the position of the other. Moreover, in a typical IR ethics discourse cosmopolitans are liberal individualists – and so are state moralists as far as the society of states is concerned. In other words, state moralists assume that states are persons and then apply the standard principles of liberalism to states (basically preservation of life and individual liberty, implying the principle of non-intervention). Moreover, if it is assumed that both markets and the procedures of coexistence can be neutral, then state moralism can easily be made compatible with market globalism (Steger, 2005), involving for example extensive governance of a vast array of practices within the state through international trade law. In the real world, these assumptions and conditions result in contradictory rules and principles.

In his later writings, Brown has been trying to take some distance from this problematic. In an essay entitled ‘Towards a Neo-Aristotelian Resolution’, Brown depicts the debate between cosmopolitans and communitarians as unresolvable, but proposes to change the question. Instead of asking ‘what should we do’, we could ask ‘how should we live’ (Brown, 2010, p.79). Brown argues that Martha Nussbaum’s (e.g. Nussbaum & Sen, 1993) modern social-democratic reinterpretation of Aristotle’s virtue ethics is pluralistic in the communitarian sense while exhibiting also some universal standards of evaluation about what constitutes decent and good life.

There will be a range of social arrangements that do provide thick accounts of the virtues and there is no suggestion that there is one such best account – but there are social arrangements that are not adequate, and even among the adequate accounts, comparisons and arguments are possible. (Brown, 2010, p.83)

‘Towards a Neo-Aristotelian Resolution’ does not go far in elaborating the meaning and implications of this alternative. Brown (2010, p.89) concludes by suggesting ‘that extending the research programme of normative International Relations in this direction would be a profitable step’. Readers looking for practical guidance in contemporary geo-historical contexts are likely to be disappointed. What kinds of actions, policies and institutional reforms would be conducive to furthering the possibilities for good life in international or global society? The only specific proposal that Brown (2010, p.88) makes is that ‘the good life requires engagement in and with the collective life of the community’ (probably assuming that the ‘we in the question ‘how should *we* live?’ refers to academics, and that community=nation).

Brown (2010, pp.117-19) gets closer to practical reasoning when he follows John Rawls’ (1999) *The Law of Peoples* distinctions between non-decent, decent and liberal societies,⁴ with normative implications especially with regard to military intervention:

[...]If a society meets the criteria of being well-ordered, whether decent or liberal, it is entitled to be regarded as a member of good standing in a Society of well-ordered Peoples, and fully entitled to the protection of the norms of the

⁴ This distinction is basically the same as the historical distinction between civilised and non-civilised. In my review of the Finnish translation of *The Law of Peoples*, I noted that Rawls’ theory is based on the European medieval just war theory and international law of the 18th and 19th centuries. His outmoded attempt to defend these as a universal truth via the procedure of ‘original position of states’ is condemned to remain a historical curiosity. (Patomäki, 2007) Moreover, neither Rawls nor Brown really tackle the simple but persuasive argument made by Charles Beitz (1979) that if society is an interwoven whole based on division of labour and cooperation, then we should be talking about global justice. Although I think Beitz is basically right about world-wide social cooperation, division of labour and relations of interdependency, human interconnectedness does not solely rest on the empirical indicators of the volume of transactions that flow across national borders, but is much deeper and concerns our very social beingness (my discussion with Roy Bhaskar on this point is unfortunately available only in Finnish [Bhaskar & Patomäki, 2006]).

Law of Peoples, in particular the norm of non-intervention. (Brown, 2010, p.118)

This suggests that non-decent societies are not entitled to the protection of the norms of the Law of Peoples and thus may be attacked militarily (by self-selected liberal states) if an attack seems morally appropriate for some humanitarian or other reason. Recalling that in the Brown-Hoffman debate Brown accused Hoffman of cultural imperialism, now he seems to verge on committing the sin of liberal US/British imperialism himself. This a position Brown (2010, pp.221-35) makes explicit in his essay ‘Selective humanism. In defence of inconsistency’. This essay, written in the early 2000s, approves Tony Blair’s approach to military interventions, but tries to reframe it in terms of a new question. The starting point is that serious human rights violations are occurring across the world and that the US and the UK have the right to intervene militarily where-ever and whenever they deem morally right and ethically, politically and strategically appropriate. The new question Brown poses in this paper is: as there are so many places in need of an intervention, which ones should ‘we’ select?

Brown’s development can be seen as another indication that IR ethics discourse is contradictory in a way that is closely related to the deep ambiguities of international law – which in turn stem from the paradoxes and ambivalences of liberal theory of politics (Koskeniemi, 2000).⁵ Brown seems to have concluded that the world community must comprise some minimal universal values, otherwise there would be no room for IR ethics but just an on-going struggle for power and endless tragedy. These universal values include: (1) the procedures of co-existence constituted by statehood and (2) core liberal human rights such as individual life and liberty defining what decent societies must observe (Brown, 2010, p.174). In effect Brown has now substituted negative liberal rights for Hoffman’s (and Shue’s) positive rights of subsistence and defends US/British liberal-imperial practices on that basis. The US and other Western countries *should not* formulate any general rule or principle ‘which will tell when to intervene and when not to intervene’ (Brown, 2010, p.231), but leave this decision at their discretion, which must be context-specific and involve considerations of national interest.

⁵ Consider a legal dispute between two states. A criticizes B by referring to a legal norm explicitly agreed by B (thus sticking to the hard evidence of state’s will and practice). B can contest not only the interpretation and applicability of this norm but maintain that this norm goes against its current will. A must then resort to a global-communitarian (cosmopolitan) line of argumentation and argue that B is objectively obliged to recognize the norm. The opposite is also true: if A starts from a cosmopolitan position, it necessarily ends up in citing state-will and state-practices. The preservation of the life and liberty of individual states contradicts the idea that the international (or global) community has its own moral or legal rules, norms and principles, and yet the latter is always necessarily presupposed. Thus Koskeniemi (2000) claims that international law is indeterminate. As a consequence the difference between, say, interventionist and non-interventionist position is illusory. You start with one position and end up arguing the opposite. Given the current institutional arrangements, Koskeniemi’s criticism of international law can be eye-opening, yet its adequacy is contingent, depending in particular on the prevailing transnational practices and global institutional arrangements. For a criticism of the Kennedy-Koskeniemi thesis, see Patomäki (2007, especially pp.382-5).

Brown's new position is thus open to his own earlier Hoffman-critique (perhaps even more so, because Hoffman in fact defended the rather un-American right to food, shelter, and health care). This critique can be elaborated further. Brown clearly approves the fact that in the absence of consensus in the UN Security Council, the US and its NATO allies have resorted to unilateral wars of intervention. This raises the issue of just war. As Michael Walzer (2000, pp.22-32) has stressed, war is hell, and we also know that wars are often costly and very difficult to end.⁶ Moreover, as Hedley Bull (1977) has emphasised, the problem with just war is that just causes can clash, whether in the public sphere or on the battleground (1977, p.30, pp.132-33, pp.157-58). If one great power can resort to war unilaterally, why not others? This question has been repeatedly posed for instance by Vladimir Putin and his regime, also to defend its own interpretations of just war. Bull's point is that attempts at collective security may weaken or undermine 'classical devices for the maintenance of order' (1977, p.231) In the 2000s and 2010s, just causes have been clashing for instance in the Middle East, Central Asia and Ukraine. Although the willingness to fight 'just wars' may not be the only cause of these regressive developments, since the early 2000s we have seen a return to pre-WWI practices (about the disintegrative tendencies in global political economy, see Patomäki, forthcoming).

A closely related but further problem has to do with generalisability of norms and our common institutions. It is precisely because our world is pluralistic that just war is not generalizable (this is a different point from the context-sensitivity of normative judgements). Because all sides of a conflict might well be fighting 'just wars', the idea of outlawing war by means of building adequate common institutions has arisen, the most recent and important example so far being the United Nations system. Brown tends to reduce the UN to what states want it to be (2010, p.49) or to a mere bureaucratic chain of command (2010, p.235). I would rather make a case for thinking that it is not possible to consistently (i) argue for the right to intervene on universalising moral grounds and (ii) refuse to take part in building common institutions that establish a global rule of law and exemplify the relevant universalising norms, holding all parties equally accountable.

Ethics and politics as immanent critique and as trans-communal judgements

It is utopian to try to limit ethico-political concerns to mere 'co-existence of states' or even to just a few particular human rights. Another problem with IR ethics discourse is the assumption that normativity can only stem from general philosophical (and

⁶ *Jus ex bello* is about the rules surrounding the termination of war. The question is: what constitutes the legitimate boundaries of the use of force, in terms of both the decision to end a war and the rules upon which this decision is based? A satisfactory answer requires, moreover that one can reflexively anticipate possible and likely futures. See Colonomos (2015).

especially liberal) principles. In reality the very texture of social life is evaluative and normative.⁷ Thus in ‘From Normative Utopias to Political Dialectics’, I referred to the requirements and standards already embodied in social practices and to the contingently shared stock of principles, criteria and interpretations forming the ground for the plausibility of a judgement and argument. I distinguished between four types of potentially good reasons that can ground a potential agreement and a rational judgement in a dialogical context:

- (1) Factual social scientific explanations concerning the relevant area of reality, where truth is understood as a conduct-guiding metaphor of correspondence to the way things really are; explanations may also involve an account of the particular circumstances of applying a rule or a principle.
- (2) Arguments grounded on other actors’ publicly expressed or implicitly presupposed normative commitments, concerning for instance justice or democracy (but only if they are made public within the process of dialogue).
- (3) Arguments can be based on the teachings of history and other cultures; this is a way of bringing wider points of view into the discussion. However, in order to be plausible and persuasive, these kinds of reasons must be related to the existing commitments and concerns of actors.
- (4) New normative points of view, visions, and metaphors can be created and brought into the debate, but, if they are to be plausible and persuasive, they must be closely related to (1), (2), and (3).

Consider the case of global financial markets that re-emerged in the 1960s and 1970s, becoming an increasingly dominant force in the world economy in the 1980s and 1990s. The Asian financial crisis of 1997-98 came close to bringing about a global economic meltdown; it caused the drastic impoverishment of at least tens of millions of people. The crisis led to critical ethico-political responses, in turn opposed by the powers that be, i.e. the main banks and funds and other financial actors as well as states such as the US and the UK. What emerged was a transnational and, to a degree, a global debate about the right response to the crisis. These debates revolved around the question whether ‘the crony capitalism’ of the Asian tigers is to be blamed for the crisis or is global capitalism itself the problem? Is it possible to reform the world economy and its financial system to make it work better, according to some criteria?

My book *Democratising Globalisation. The Leverage of the Tobin Tax* (Patomäki, 2001) is a response to these questions. The efficient market hypothesis, widely conceived, provides normative grounding for the practices of global finance. Free

⁷ A powerful recent elucidation on this point is Sayer’s (2011) *Why Things Matter to People. Social Science, Values and Ethical Life*. [W]e are sentient, evaluative beings: we don’t just think and interact but evaluate things, including the past and the future. We do so because, while we are capable and can flourish, we are also vulnerable and susceptible to various kinds of loss or harm; we can suffer.”

markets are presumed to be stable, because they contain all the information required to anticipate the future. Standard free-market theories imply that all factors of production and all individuals get what they deserve, i.e. in accordance with their contribution. However, empirical evidence and my causal explanation of the Asian crisis suggest that these claims are not true. Finance is unstable, generates crises and feeds inequalities. National economies and governments are not capable of adjusting to massive movements of funds across foreign exchanges, without real hardship and without significant sacrifice of the objectives of national economic policy.

Arguments about what is true (1) have critical and normative implications. If the theories grounding current practices are in some important ways wrong, something has to be changed. But there are also arguments grounded on actors' publicly expressed or implicitly presupposed ethico-political commitments (2). One is justice as fairness (as articulated by Rawls, 1958), the minimum conditions of which are difficult for anyone in modern society to consistently deny. In the context of a worldwide financial crisis, the fairness concerns the problems of basic asymmetries between different positions in the world economy. Because of global interdependencies, financial fluctuations have far-reaching consequences to the lives of those who neither benefit from financial activities nor have any say on the decisions and developments suddenly hampering their lives. In other words, the millions bearing the consequences of recurring financial crises seem to get a punishment without committing a crime. Most of those few who are causally responsible are rescued or bailed out, that is, they do not get a punishment even when they fail. To the contrary, they can continue to enjoy their privileges. The principle of 'individual profits, socialised risks' is not fair in the sense of equal treatment.

A more general argument from justice start from the claim that global financial markets are co-responsible for widening global disparities. From this follows a *prima facie* commitment to transform the prevailing characters and powers of agents, and the structure of institutions, in order to reduce powerlessness and vulnerability (see O'Neill, 1991). Alternatively, an argument for an institutional reform such as a global currency transaction tax may also begin from the shared ideal of democracy. This ideal presupposes that democratic decision-makers have a significant degree of autonomy. However, the shared ideal of democracy may also suggest new normative viewpoints (4), in this case global democracy as empowering the powerless in the world economy and establishing a new tax organisation in a democratic fashion. The latter may also evoke arguments based on the teachings of history and other cultures (3), such as using lottery to determine global civil society participation in the global currency transaction tax organisation (i.e. applying an ancient republican method).

This is only an example. It is also possible to start, say, from a partly and contingently shared ideal such as democracy and specify its meaning and criteria in a widely appealing way. The world political economy involves relations of power.

There are many proposals to transform the existing systems of global governance or to establish new ones such as global tax organisations. It is possible to evaluate systematically the degree to which the proposed transformations could democratise relations of power and dependence in our world political and economic system and accord with other norms such as justice or non-violence. (See Patomäki & Teivainen, 2004) It is also possible to begin from different metaphorically constituted models, theories and ideologies of justice and see to what extent they have a shared basis, on the one hand, and to what extent they may be contested within and across various divides globally, on the other hand, not infrequently also by violent means (the sense of injustice has constituted powerful negative emotions since ancient China, India, and Greece/Rome).

In Patomäki (2006) I developed the idea that while the abstract concept of justice is universal, its substance and direction are not. Like almost all ethical concepts, the notion of justice is constructed metaphorically. The core meaning of justice is that similar cases should be treated in the same way, and given what they truly deserve. I developed the idea that some substantial conceptions of justice may be more plausible than others, in part in a context-dependent manner. Given how prone justice has been to absolutist and also violent interpretations, it seems that the real ethical and practical-political problem is how to effect necessary and desirable institutional changes by means of peaceful change. The recognition of the relativist nature of models and sentiments of justice is a key reason for the quest to democratize systems of global governance.

The missing part: collective learning and human cultural evolution

We can now see how and why Brown's subsequent developments since the early 1990s has not led to a convergence of our views on substantial matters. Brown does not consider issues such as global debt problem or financial crises and he has never satisfactorily responded to the simple but persuasive argument made by Charles Beitz (1979) that if society is an interwoven whole based on division of labour and cooperation, then we should be talking about *global* justice (and other values and norms).⁸ Time and again Brown resorts to the metaphor of thinness/thickness, which is common in IR ethics discourse. 'The web of global governance and private transactions [is] not yet thick enough to sustain the metaphor' of global civil society

⁸ See note 4. To my knowledge, the closest he gets to discuss these issues systematically is chapter 7, "International Justice", of his *International Relations Theory. New Normative Approaches* (Brown 1992, especially 174-77). Brown argues that Beitz's points may apply to the OECD world, but as far as the rest of the world is concerned, the poor may be dependent on the rich but the rich do not need the poor. Thus there is no cooperation for *mutual* advantage. This is a dismissive statement, not a sustained argument based on any explicit criteria, analysis or evidence. Dependencies or benefits do not have to be symmetrical for a system to be based on cooperation. For instance, in the classical Marxist depiction of capitalist labour markets there is an army of reserve labour. Thus capitalists seem totally independent of any particular worker; and yet, without the workers the system of production would at once cease to function.

(Brown, 2010, p.196). The assumption seems to be that when the global can be characterised as ‘thin’, then merely the apparently neutral norms of inter-national liberalism are applicable, moderated by some liberal human rights.

The metaphor of thinness and thickness is loose. How do we know whether the ‘web’ of something – or the ‘moral life’ of X – is thin or thick? Being thin means having a small distance between the top and bottom or front and back surfaces. The thinness of something is relative even when we are talking about measurable things such as ice or boxes or human beings. Thinness presupposes evaluative standards or norms that are relevant for some practical purpose (for instance, driving across a lake in wintertime – how thin or thick is ice?). If neither the measure nor the practical purpose is well-specified, there is no way of making a judgement whether something is thin or thick. It is also questionable whether the metaphor is rationally applicable to phenomena such as ‘web of global governance’ or ‘moral life’, or what it should mean in those contexts. ‘Someone leading a thin moral life’ might refer for instance to amoral or immoral behaviour. Moreover, the question whether we should characterise, say, Tony Blair’s moral life as ‘thin’ or ‘thick’ is likely to evoke controversies, because this question cannot be disentangled from substance.

When studying phenomena such as a global debt problem or financial crisis the critical question is whether the relevant practices, structures and processes have causal effects that matter to people and whether there are ethical and political discussions and debates about those phenomena in the public sphere. If they have (or can have) causal effects that matter and those are being debated, then the very texture of social life in that particular context is already enmeshed in evaluative and normative ideas and concerns, not least because practices are legitimised in terms of normative conceptions. Under these circumstances, there is room for making normative arguments that can ground a potential agreement and a rational judgement in a dialogical context, by appealing to potentially good reasons of the types (1)-(4).

This perspective on normative argumentation is fine as far as it goes. However, a quarter a century later I find it historically myopic and philosophically wanting. By the time I wrote ‘Global justice: a democratic perspective’ (Patomäki, 2006), I had started to realise the recent historical emergence and rapid evolvement of morality, especially when compared to the pre-historic pace of changes. Geo-historically, the origin of money, mathematics and justice seem to be closely connected. Justice is based on the moral accounting metaphor and emerged in the early civilizations. The development of writing was especially important, creating the basis for metaphorical thinking that in turn emerged in the first millennium BCE and, through mutual enablement, gave rise to more complex and less hierarchical social organizations.

The difference between the early ancient accounts of justice such the Code of Ur-Nammu (c. 2100–2050 BC) and the Code of Hammurabi (c. 1750s BCE), and such

late 20th century accounts as Rawls's theory of justice and Habermas's theory of discourse ethics, is profound. The ancient codes consider only retributive justice and contract law; have an inclination to resort to trials by ordeal; see robbery, adultery and rape as capital offenses; and tend to be strictly physicalist ("an eye for an eye"), although they sometimes also recognise monetary compensation for harm-doing. None of this is acceptable to a Rawls or Habermas, according to whom all humans have conscience and the capacity to choose universal ethical principles by appealing to logical comprehensiveness, universality, and consistency.

Gradually, I started to accept the idea that there can be stages both in moral (Piaget, Kohlberg, Habermas) and political economy developments (Patomäki, 2007c). History is contingent and open-ended, but there are different layers of time, in which counterfactual possibilities play out in different ways. At a deeper level of world-historical time, and at a higher level of abstraction, some developments and stages may be inevitable (although of course they are contingent upon the continuation of various background processes). Moreover, the higher stages in collective learning can be argued to be more adequate (Kohlberg, 1981, chs 4-5). Each higher stage answers questions or problems unsolved at the next lower stage. Empirically it can be established that higher stages are both cognitively more difficult and perceived by subjects as more adequate (moreover, with collective learning, relevant contexts change and earlier stages may become increasingly obsolete and inadequate). Normatively, a key consideration is the degree of generalisability – indicating plausibility and stability of judgements in differentiated and complex multi-actor contexts – and the related capacity for abstract role-taking.

Higher stage reasoning is both more differentiated (implying a more nuanced understanding of social realities) and more integrated (implying symmetry and consistence) than prior stage. Stages represent successive modes of taking the role of others in one's reflective consciousness developing through (i) practical conflicts, (ii) attempts to resolve them, and (iii) subsequent conceptual-logical reorganizations. A more adequate conceptualisation and logic of reasoning does not, however, determine the substance of moral judgement. At each stage actors can continue to have genuine disagreements about the right actions, rules and principles when they are dealing with complex moral problems.

From this perspective, it is clear that the four types (1)-(4) of potentially good reasons that can ground a potential agreement and a rational judgement in a dialogical context presuppose the principles of stage 7 discourse ethics. At the post-conventional or critical-reflective level (from stage 5 onwards) there is an effort to define morality and ethico-political principles which have validity and application apart from the authority of the groups or persons holding these principles, and apart from the individuals own identification with these groups. From stages 6 (Kant – Rawls) onward, and especially at stage 7 (discourse ethics), the de-centric post-conventional

orientation implies critical cosmopolitanism (cf. Patomäki, 2010; 2017). In this social imaginary all human beings are seen hypothetically as equal world-citizens in a world society, giving a direction to emancipatory practices and institutional transformations (for a general outline of democratic global Keynesianism, see Patomäki, 2013, ch 8).

Habermas (1990, p.197) formulates the basic principles of discourse ethics, including ‘only those norms can claim to be valid that meet (or could meet) with the approval of all affected in their capacity as participants in a practical discourse’. Post-structuralism and critical realism qualify these principles. Jacques Derrida (1988; 1992) emphasizes the constructed and open character of identities and shows how easy it is to fix one’s identity, in ways with potentially (perhaps metaphorically) violent effects. He also points to difficulties of creating ethico-political spaces free from asymmetrical or biased power relations. Derrida’s interest lies in the conditions for a democracy to come, in which justice means thorough mutual respect for the other, all subjects reflexively understanding that their subjectivities are effects of language and world history. Bhaskar (1993; 1994) in turn wants to draw attention to the multi-layered non-discursive conditions of fulfilling the universal norms of free ethico-political discourse. Any possible approximation of the norms of free discourse is always contingent upon many politico-economic, educational, ecological and other real conditions, and these must be considered in institutional design.

In several passages, Brown (e.g. 2010, p.87) mentions discourse ethics, but only to reject it. This rejection stems partly from a confusion between the ideal and the actual and between practical discourse and its outcomes. The idea is neither that there are determinate answers to all moral dilemmas nor that an actual or imagined consensus defines those answers. The stage 7 concerns only the dia-logic of reasoning. Within it, actors can have genuine disagreements about the right course of action, or right rules and principles, when they are dealing with complex ethical and political problems. Habermas may be plausibly and perhaps rightly criticized for overstating human capabilities (Kuper, 2004, pp.50-60), and for stressing too strongly the role of consensus (Rescher, 1993), but the point of practical discourse is to bring in different interpretations and needs. The moral point of view arises out of the multiple perspectives of those affected by a norm or principle, or a policy or institutional transformation, under consideration. Practical discourse is always subject to various constraints such as asymmetries of *habitus* and social positioning, biases related to the media of communication, and limitations of time. A potential or actual consensus is only one out of many criteria of validity of claims.⁹ Thus a rational judgement in a dialogical context is necessarily also a matter of individual conscience and virtue.

⁹ Consider truth-claims first. The meaning of truth is correspondence to the way things really are in the world (*veritas est adaequatio rei et intellectus*). Correspondence cannot, however, be used as a criterion of truth. Many centuries of attempts to explain what correspondence literally is have failed. Rather correspondence is a metaphor and truth should be seen as a normative and metaphorical principle, which guides conduct. In actual debates, we make truth-judgements on the basis of coherence, pragmatic and constructivist considerations and consensus. Coherence is important because

Conclusions

What makes Brown's texts interesting is the way he can relate his ideas to a diverse mixture of literatures, from liberal communitarianism and social-democratic Aristotelianism to critical theories and post-structuralism. In this paper I have nonetheless argued that Brown's own position can be best characterised as liberal conservatism. As a normative theorist, Brown started his career as a strong defender of state moralism, which is an extension of the principles of liberalism to international society (assuming that states are persons). Later he has accepted the universal validity of liberal (negative) human rights, which can be used to evaluate whether a state is non-decent or decent. The full rights of members of international society only apply to decent and especially to liberal states. The West led by the US and the UK can freely decide whether to intervene in the affairs of non-decent states. This aspect of Brown's thinking comes close to US neo-conservatism.

In this paper, I have juxtaposed Brown's development with the evolution of my own thinking since the 'deconstruction' of the Brown-Hoffman debate. Although epistemically Brown seems to have moved into a practical and context-sensitive direction, our ethical and political judgements have diverged rather than converged. I still consider both state moralism and many forms of say human rights cosmopolitanism as utopian, but I furthermore disagree about the legitimacy of unilateral Western interventionism on epistemological (relativism and its ethico-political implications such as strong predilection for non-violence) and consequentialist (war is hell and is difficult to end, and just wars may clash) grounds.

Brown's attempt to pose a new question – how should we live? – and explore possibilities opened up by Nussbaum's version of virtue ethics is praiseworthy, but remains an abstract opening (Brown, 2012, discusses statesmanship from the same angle). I have argued in this paper that any area of activities in international relations and world society, from property and contract to nuclear safety and global warming, can be subject to normative debates and potentially democratic politics. The critical question is whether the relevant practices, structures and processes have causal effects that matter to people and whether there are ethical and political discussions and debates about those phenomena in the public sphere. If the answer is yes, there is room for making normative arguments that can ground a potential agreement and rational judgement in a dialogical context, by appealing to potentially good reasons of

beliefs form a system and coherence to evidence and other beliefs matters (thus, contradictions and aporias are so important for cognitive development). If an explanation or theory works in practice, we have pragmatic reasons to believe that it is in some important ways true (although our explanation of these reasons may be wrong). Constructivism (*verum ipsum factum*) applies to many things in society and we can create new social realities. As Habermas claims, also the norms of ideal speech situation and the actual beliefs held by the scientific community are relevant, although we also know that consensus can be wrong and in social sciences we rarely have a consensus. *Mutatis mutandis*, all these criteria are relevant in assessing moral validity-claims too. For instance, Rawls's famous but also widely criticized 'method of reflective equilibrium' is a way of articulating the coherence-aspect of normative reasoning.

the types (1)-(4). Good normative arguments often involve designs for better institutions, but they must be realisable by virtue of being connected to real causal processes (i.e. normative arguments embrace concrete eutopias).

Over time, it has become evident that my 1990s explication of normative argumentation – not tied to any nation, state or other limited community – presupposed the basic tenets and principles of discourse ethics, seen as a particular stage in human ethico-political development. Further stages can be envisioned, widening the scope of potential moral subjects and concerns, such as Karl-Otto Apel's (1991) future-oriented planetary macroethics. It is increasingly realised that our planetary future depends on the actions taken, policies adopted, and institutions built now. With this freedom comes also great responsibility.

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